

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ERICK BURGESS,

Plaintiff,

v.

Case No. 09-13019

PROBABILITY PHYSICAL THERAPY, LLC,

Defendant.

ORDER SETTING TELEPHONE CONFERENCE

On May 23, 2011, the court conducted a telephone conference to discuss the parties' settlement efforts and whether the court should reopen the case. The court is persuaded that the parties are continuing to make progress toward settlement, and will therefore decline to issue a scheduling order, at this point. The court will conduct a telephone conference in two weeks to discuss the status of the document preparation. If, at that time, the parties have reached an impasse, the court will reopen the case for appropriate proceedings. Accordingly,

IT IS ORDERED that counsel for Plaintiff Relator, Defendant, and the Government shall participate in a telephone conference on **June 13, 2011, at 4:00 p.m.** In the meantime, the case will remain closed, although the dismissal is without prejudice until further order of the court. In the event the parties submit a stipulated order of dismissal or judgment by **June 10, 2011**, the telephone conference will be canceled.

Nothing in this order shall be deemed to adversely affect or in any way impact the parties' rights.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 25, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 25, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522